FARAD CONTINUATION SHEET NO.
IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
NAGPUR BENCH, NAGPUR

Criminal Application No. 2624/2006

Appeal	District :
Application No.	of 200
Writ petition	

Office Notes, Office Memoranda of Coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders

Shri. R.M. Daga, Adv. for applicant.
Shri D.B. Patel, A.P.P. for State.

CORAM : B.R. Gavai, J.
DATED : August 11, 2006.

This is an application for grant of bail.

The applicant is arrested in connection with Crime No. 21/2006 for the offences punishable under Section 302 r/w 34 of I.P.C.

It is alleged that the present applicant had caught hold of one Vaishali and other co-accused poured kerosene on her person and set her on fire.

Shri Patel, the learned A.P.P. vehemently opposed the application on the ground that in the oral dying declaration given to her husband, so also the dying declaration recorded by the Executive Magistrate, the deceased has clearly implicated the present applicant. He further submitted that the eye witnesses have also seen the present applicant running from the spot. He, therefore, submitted that the applicant is not entitled to be released on bail.

The investigation in the matter is over and the charge sheet is filed. The role attributed to the present applicant is that of caught holding the deceased. In any case, the evidence against the present applicant is in the nature of circumstantial evidence. The applicant is 60 years old lady and, therefore, she is entitled for the protection under Section 437 Cr.P.C.

In that view of the matter, I find that the applicant is entitled to be released on bail.

The applicant is directed to be released on bail on her furnishing bail bond in the sum of Rs. 25,000/- with one or two sureties in the like amount. The applicant shall not make any attempt to tamper with the prosecution evidence or influence the prosecution witnesses.

JUDGE

RMP